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*Counsel for Non-Party Sony Interactive  
Entertainment LLC*

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

MICROSOFT CORP., et al.,

Defendants.

Case No. 3:23-cv-02880-JSC

**DECLARATION OF CARL  
LAWRENCE MALM IN SUPPORT OF  
NON-PARTY SONY INTERACTIVE  
ENTERTAINMENT LLC'S MOTION  
FOR AN EXTENSION OF TIME**

1 I, Carl Lawrence Malm, declare as follows:

2 1. I am an attorney at the law firm of Cleary Gottlieb Steen & Hamilton LLP, counsel  
3 to Non-Party Sony Interactive Entertainment LLC (“SIE”). The facts contained herein are true,  
4 accurate, and complete to the best of my personal knowledge.

5 2. I make this declaration in support of SIE’s Motion for an Extension of Time.

6 3. On June 16, 2023, Defendants filed their Memorandum of Law in Opposition to  
7 Motion for Preliminary Injunction (ECF No. 106-3).

8 4. Defendants filed a corresponding Administrative Motion to Consider Whether  
9 Another Party’s Material Should Be Sealed (ECF No. 107) that same day, which was  
10 subsequently corrected on June 17, 2023 (ECF No. 110). This Motion indicates that Defendants’  
11 Opposition contains information designated as confidential by SIE.  
12

13 5. On June 22, 2023, at 12:47 a.m. Eastern Time, Defendants sent SIE counsel by  
14 email a chart showing the SIE-related redactions in their Opposition brief.

15 6. On June 20, 2023, the FTC filed its Reply to Defendant’s Opposition to  
16 Preliminary Injunction Motion (ECF No. 131).  
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18 7. The FTC filed a corresponding Administrative Motion to Consider Whether  
19 Another Party’s Material Should Be Sealed (ECF No. 132) that same day. This Motion indicates  
20 that the FTC’s Reply contains information designated as confidential by SIE.

21 8. As of execution, the FTC has not provided SIE counsel with the SIE redacted  
22 material in its Reply brief, though the FTC has stated that it intends to do so shortly.

23 9. Counsel for Defendants and the FTC have consented to SIE’s motion.  
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Executed on June 23, 2023, in Washington, D.C.

Carl Lawrence Malm